

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ketan Vakil on 07/23/2010.

The application has been amended as follows:

In claim 5, line 1, after "adjustable" insert --gastric--

In Claim 5, line 2, after "adjustable" insert --gastric--

In Claim 5, line 15, after "aperture" insert --comprises a portion more flexible than the remaining portion of the tab, the flexible portion being situated in the proximity of the aperture, the flexible portion preventing an accidental opening of the closure system after the adjustable gastric ring is disposed around the tubular organ--

In claim 13, line 1, after "A closure system comprising:" insert --A surgically implantable adjustable gastric ring for constricting a tubular organ, the adjustable gastric ring comprising--

In claim 13, line 6, after "a third portion defining a tab hole" insert --adapted to prevent an accidental opening of the closure system after the adjustable gastric ring is disposed around the tubular organ--

Cancel claim 6.

***Allowable Subject Matter***

2. Claims 5, 10, 12-15 and 18-21 are allowed.
3. The following is an examiner's statement of reasons for allowance: In Regards to base claims 5 and 13, the prior arts fails to disclose in combination with other limitations of the claims, a second aperture disposed parallel to the first aperture and includes a second reinforcement flange located adjacent to and in between the first aperture and the second aperture wherein the second aperture adapted to prevent an accidental opening of the closure system after the adjustable gastric ring is disposed around the tubular organ.

The cited references, US Patent No. 5,658,298 to Vincent fails to disclose the second aperture parallel to the first aperture, US 2005/0119672 A1 to Benchetrit fails to disclose the first and second aperture, US Patent No. 4,492,004 to Oetiker fails to disclose the reinforcement flange and a sleeve and a tab hole adapted to prevent accidental opening of the closure system, taken singly or in combination do not anticipate or make obvious applicant's claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809

Art Unit: 3773

or email address at [son.dang@uspto.gov](mailto:son.dang@uspto.gov). The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./  
Examiner, Art Unit 3773

/(Jackie) Tan-Uyen T. Ho/  
Supervisory Patent Examiner, Art Unit 3773